

Trade in Amer 25

MINUTES
OF THE
TRIAL AND EXAMINATION
OF
CERTAIN PERSONS
IN THE
PROVINCE OF NEW YORK,

CHARGED WITH BEING ENGAGED IN A
CONSPIRACY against the AUTHORITY
of the **CONGRESS**

The **LIBERTIES** of **AMERICA**



L O N D O N :

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28 June 1776

MINUTES
OF THE
TRIAL AND EXAMINATION
OF
P. R. F. A. B. O. R. S.

IN THE
CITY OF NEW YORK
WHILE THE
WAS IN THE
AMERICAN army, great

ERRATA.

Page 5. line 12, for *insidious*, read *insidious*. P. 12. l. 15.
for *dissolve* r. *disolve*. P. 6. l. 10, for *over*, r. *even*.
P. 8. l. 11, for *Distress County*, r. *Dutchess County*.
P. 8. l. 20, after *brewhouse* ~~dele the~~ and read *one*
o'clock in the morning.

P R E F A C E.

WHILE the city of New-York was in the possession of the American army, great numbers of the inhabitants were seized, accused of being concerned in a conspiracy, and sent prisoners into Connecticut. Some were brought to a trial, found guilty, and condemned as traitors. Great discoveries, it was said, were made of plots against the congress. But the trial of the culprits was managed with so much secrecy that nothing of consequence transpired; so that many were induced to believe, that it was an artful scheme of the congress and committee to punish their internal enemies,

enemies, or prevent them from doing mischief, without alarming the body of the people.

The following minutes throw much light on the affair. They were discovered (on the late capture of New-York by the British troops) among the papers of a person who appears to have been secretary to the committee. They will furnish entertainment to those who wish to know the particulars of this mysterious transaction.

MI-
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(1)

MINUTES
OF THE
COMMITTEE, &c.

WILLIAM COLLIER (waiter at the Serjeant's Arms Tavern, kept by Alexander Sinclair, near the old Barracks) waited upon Joseph Smith, Esq. in the city, and informed him, that he had some affairs of great importance to communicate to him if he could depend upon being secured himself from danger. Upon which Mr. Smith gave him all possible assurances, that so far from being punished, he should be considerably rewarded if his discoveries were of any importance. Encouraged by this, he said, that a number of the inhabitants of the city had met for many months at the house aforesaid,

B

that

that having heard them during his attendance speak very often disrespectful of the congress, and perceiving them very much engaged in writing letters, and remarking that they always suspended their conversation or spoke reservedly when he was present, his suspicions were excited that they did not meet merely for entertainment. On which he concealed himself in an adjoining chamber, and, among other things, heard them speak of an engagement which had been entered into in that and the neighbouring province to free themselves from what they called the damnable oppression of the congress; that he understood from their conversation, that arms were distributed among their partizans, and that a correspondence was established between them and the army, and that they had formed a design of rising and making themselves masters of some of the principal persons in the army of the American States, and escaping to Staten Island; that he learned from their conversation, that a correspondence for this purpose had been kept up between them,

them, and certain persons in the British service, to whom they gave information of the state of affairs amongst us, and from whom they received council and money for the better execution of their designs. Mr. Smith questioned him concerning the names of the persons who met at his master's house, and learned from him, that Mr. Forbes, Garrison, Cockshall, Burke, and Sebring, were the most active persons. The provincial congress on receiving this information from Mr. Smith, being determined to proceed with the utmost caution, ordered a party of men the next night to seize Mr. Gilbert Forbes, Gunsmith, and to convey him to safe custody; accordingly a party under the command of Capt. Labatteau proceeded about two in the morning to the house of Mr. Forbes, in the Broad-way; some of them having forced their way into the yard to prevent him making his escape, the Captain knocked at the front door, and demanded admittance, on its being opened, and finding the culprit was in an upper room in bed, rushed up
stairs,

stairs, broke open the door, and seized him before he could meditate an escape. They then required his keys, which, after some hesitation, he delivered upon being told that what they did was by the order of the provincial congress; they then conveyed him to an apartment in the New Goal, where he was properly secured. His papers were delivered to the provincial congress, which met the next day, among which were many letters and minutes which threw great light on the designs of the conspirators. The following among many other interesting ones were read at the board :

*Copy of an Association entered into on
the 13th of May, 1776.*

1st. " We the underwritten being firmly attached to the glorious constitution of Great Britain, loyal subjects of our gracious Sovereign, King George the Third, and deeply sensible of the miseries brought on this devoted country, by the wicked artifices of an ambitious faction, do heartily and sincerely covenant and agree
and

and pledge ourselves to each other by every thing that is honourable and sacred, that we will diligently and faithfully endeavour to restore the constitutional government of these colonies, and the happy connection that once subsisted between Great Britain and America.

2d. " That for this purpose we will zealously put in practice every honest method to inculcate loyalty in the minds of the people, to represent in their true colours the oppressions, insidious machinations, and cruel persecutions of an illegal and arbitrary congress, and that we will seize every opportunity to dissolve their councils, and frustrate their operations: That every member of this association binds himself in the most solemn and sacred manner to be faithful to the common cause, and to retain with the utmost caution the secrets committed to him.

3d. " That a committee be appointed for the transaction of business, and for carrying on a correspondence with the members of this society residing in any

of the counties of this or neighbouring provinces ; that the members as many as can, will meet once a week for the management of our common affairs.

4th. " That no person shall be admitted a member except he has passed an examination with the committee.

5th. " Should any member of this association fall under a suspicion, be taken prisoner, or ever punished with death by our enemies, he shall look upon himself as bound in honour and conscience not to betray any of his associates, or to communicate any of the secrets of this society."

The following letters, with the superscriptions and signatures erased, were also read at the board,

" My dear Friend,

" Our good cause thrives most wonderfully and providentially hereabouts. We have great hopes that the tyranny of our cruel task-masters will soon be ended. The little finger of these despots is heavier than the loins of the most arbitrary ministry.

ministry. They shew their superiority only by their cruelty. The people groan under their oppressions, and comparing their present misery with their former happiness and tranquility, long to throw off the yoke. They plunder our barns, enter our houses, and forcibly take from us what we have sweated and toiled for; giving us in return nothing but their paltry paper. If we are to be slaves, let us be so to the lion, and not to the lousy dirty vermin of New England. We have had many meetings lately, and so many are desirous of associating with us, that we are afraid least the secret might transpire by being communicated to too great a number; we have already two hundred associators in this county who have bound themselves by the most solemn asseverations to fidelity; we are much at a loss to know how to act about the oath of allegiance to the congress, which 'tis said they intend soon to impose on us. Heaven send us a speedy deliverance. We are well supplied with arms, which every man keeps hid, to use when occasion permits,

but

but we are in great want of powder. The drubbing which they had in Canada works wonderfully, and if General Howe should give them one sound thrashing, numbers will be ready to fly to his protection; depend upon our constancy and fidelity. Let us know all your motions that we may co-operate together. This goes by Edward Staggs, a fast friend to our interest. God bless the King.

Distress County,

Amen."

May 15, 1776."

Numb. II.

"S I R,

"We hope that according to your promise you will have the rifle guns ready by Saturday night, as we shall send a boat down under the direction of James Clavering, to lie off the old battery, near George Harrison's brewhouse; about ten o'clock in the morning he will send his negroe man Cuff, to acquaint you with his coming, so that if you can get any of our associates who are under arms to conceal them in some house nigh, we
may,

may be able to carry them off. By all means take care and use great precautions, for if we should be blown up, we should meet no mercy. Lt. Steele would be the most proper person to be employed on this service. My love to your wife and children, and to all true hearts under the rose.

Your's, ever

Numb: III.

"S I R,

"Embracing this good opportunity, I give you much joy of the death of that arch rebel and firebrand Montgomery, and hope e'er long it will be the fate of many more. I can't help laughing to see the long faces of many of my neighbours on this occasion; had I my wish their necks should be as long as their faces: by all accounts it has kicked up a devil of an uproar at Carpenters hall, and I suppose we shall very soon have another fast—fast of the flesh I mean, for their pious pastors take care to give the saints on

such occasions a spiritual *feast* of treason and rebellion. My neighbour Voorhuys says there must have been treachery in the case, and thinks that Donald Campbell is a very good hand at a retreat. Things go very bravely on with us. The old farmers shake their heads, and say, this is not the thing, we long to see some more English guineas among us. Jabez Fisher and I, have taken occasion to go much among them, and tell them the designs of the congress are all imposition, that they never suffered any thing from England, and that we shall never be happy till the old times are restored, that old John Bull is rouzed at last, and that what they thought fear or weakness was nothing but mercy and gentleness. We now meet frequently at each others houses, drink the King on our marrow-bones, and confusion to the congress; we have fifty names now down on our association paper, all staunch hearty fellows, only waiting an opportunity to shew our loyalty. I had an affray lately with one of their officers, a Capt. Lefferts, who was quartered

quartered in our neighbourhood. He sent a soldier the other day to purchase some of my poultry, I told him I could not spare any ; on which the villain had the impudence to tell me he came by the order of his captain, and would have them. My choler got the better of my prudence, and I pushed him out of my house, and shut the door upon him. The captain waited on me the next day, and asked me how I dared to treat one of the congress's soldiers and his servant in so audacious a manner. I told him the property was mine, and would use it as I pleased ; he made no answer, but went away in a passion, and soon returned with a party of his myrmidons, who insulted me in the grossest manner, took away my poultry, and broke my windows ; I have since applied to the committee for redress, but could not obtain a hearing, as I suppose they partook of the plunder. Such is our glorious liberty, or rather the liberty which these miscreants take with us. I hope, however, we shall soon have satisfaction of these rascals. Honest
Savage

Savage is here, and sends his compliments to you. Kifs Betsey for me; my spouse desires to be remembered to you both.

I am,

Your friend and servant,

Poughkeepsy, 1776.

The provincial congress having taken the above letters under consideration, and finding from other circumstances, that a most wicked and dangerous conspiracy was formed against the liberties of America, judged proper to appoint a committee of enquiry, with powers to examine into the nature of it, and to sit in judgment in bringing to condign punishment such person or persons as they should find concerned in it. The following persons were appointed a committee for the purpose.

P R E-

P R E S I D E N T.

Peter R. Livingston.

J. M. Scott,	Peter Curtenius,
Marinus Willett,	John Abeel,
Alex. M'Dougal,	Corn. Byvank,
John Berrian,	John Stoutenburgh,
Herc. Mulligen,	James Wessels,
Gershom Mott,	John Crimshire.

Gilbert Smith, Secretary.

June 23. The committee met at the house of Mr. Jasper Drake, and proceeded upon business ; Mr. Abraham Livingston attending, informed the committee, that, the night before he waited upon Mr. Gilbert Forbes, at his apartment in the New Goal, and laying before him in the strongest colours the danger of his situation, and that there was no other way for him to obtain mercy but by making a full confession. The prisoner signified to him, that if security should be given him for his own personal safety, he would disclose matters of great importance : the committee taking into serious consideration this information, ordered the prisoner

soner to be brought before them under a proper guard.

Mr. Forbes being brought into their presence, discovered great signs of consternation and guilt, and with a faltering voice begged the committee would allow him some time to compose his mind, and permit him to have council to assist him in his defence, as he was entirely unprepared to answer any questions, and might prejudice himself by his ignorance of the forms usually practised in such cases.

President. Sir, we shall shew you all the candour and justice you can expect. The questions we shall put to you are only concerning matters of fact, and if you wish for time only to be better able to prevaricate and evade, I inform you that your request cannot be granted. Sir, the crime you are charged with is of a most heinous nature, and you are little entitled even to the formality of a trial, nevertheless, Mr. Forbes, as we have been informed, you are disposed to shew the sincerity of your repentance by making an
ample

ample discovery, and wiping off your guilt against your country, by enabling us to detect and avert the mischiefs you intended against it, such conduct may recommend you to the clemency and mercy of this court.

Prisoner. I beg, gentlemen, you will not be harsh and hasty with me. I am sure I never meant any harm against my country, but minded the business of my shop; I have been treated very cruelly, torn out of my bed at the dead of night, my sick wife and family alarmed, my papers seized, and my house ransacked, without my knowing why or wherefore, and thrown into a prison, denied the council or assistance of any friend or acquaintance.

Mr. Mulligen. Sir, Sir! I am surprised you have the boldness to speak in this manner before the committee, after what you have been guilty of. We do not sit here to hear you criminate, neither will such language avail you. Sir, we have authentic evidence of your having been concerned in a hellish conspiracy, and we
were

were informed that you was desirous of obtaining mercy, by making an honest and full confession ; as a friend, I advise you to conceal nothing, as you hope for pardon.

Mr. Curtenius. Then you know nothing, sir, of an association ? you never have received any letters from the country containing treasonable matters ? you never met I suppose at the Serjeant's Arms ?

Prisoner. Indeed, gentlemen, I am entirely innocent, I beg you will allow me time to prepare for my defence.

Mr. M'Dougal. Gentlemen, I would recommend that if the prisoner continues obstinate, he should be remanded to prison ; we have no time for delay ; delays are dangerous, gentlemen, the villainous designs of our enemies must be averted by some speedy examples, no punishment can be too severe for men who have conspired the ruin of us all.

President. I would advise you, Mr. Forbes, seriously to weigh your critical situation, and to plead guilty, for we are
in

In no want of proof sufficient to justify us in condemning you to the most ignominious punishment; if your confession is candid and clear, you may in some degree repair the mischiefs you have occasioned, and in the name of this committee I promise you a full and free pardon, if you will disclose the whole without reserve.

Prisoner. How, Sir, would you have me to confess, when I know nothing that I am guilty of against my country. I have asked you for time and to be tried by a jury of my neighbours which you refuse me.

Mr. Livingston. You are not, I would have you to know, to dictate to the court, we are here to try and judge you by the authority of the congress. You will not presume to dispute, I hope, its authority. Serjeant call in Mr. Collier.

Collier being sworn, he deposed what he told to Mr. Smith, of his having met at the tavern with Mr. Child, Roberts, Abrams, &c. &c. that Mr. Forbes was generally there, and a very active member. The following letter, among others, D which

which were taken at Mr. Forbe's house,
was read.

“ Gentlemen,

“ I have been thinking about our
fkeam, and I do think that we cannot take
too much care, that the Wigs do not
finde us oute, what we are about, as they
have two many on there side of the ques-
tione, and may take us up. I propose
then for us to meet on Satorday alone by
hourselfes in the wud near Kingbridge on
the left hande side of the rode from
Yorke, and that eache man shud bring a
pistal or cutlash with him in order to de-
fende hourself, if needfulle. My boye is
to bringe me your answer, and he knowes
nothings whiche I have wrote,

I am,

Gentelmen,

your hum. sarvant

in Affictione.”

President. Do you know these letters?

Prisoner. They were left with me by a
friend among some other papers; they
were

were not directed to me, and are none of my concern.

President. Do you know the writers of them?

Prisoner. They were not sent to me—I am entirely unprepared—I cannot give answers to such questions.

(The court having taken into view the obstinacy of the prisoner, remanded him into close confinement.) Jacobus Lawrence was then brought into court, by Mr. Livingston, who said he could give some information on the business of the committee.

Jacobus Lawrence sworn.

Court. You keep a tavern at Hempstead, on Long Island?

Lawrence. Yes, Sir.

Court. Pray, Mr. Lawrence, do you know the names of the persons, I think they were six in number, that dined at your house on Sunday the 9th of June last, and do you remember to have heard any of their conversation upon public matters?

Lawrence.

Lawrence. There was only five, their names I do not know, but they talked to me about lying at my house the ensuing plovering season; one of them asked me if I was Whig or Tory? I told him I was for peace: upon which a second said, there never would be peace whilst such men as composed the congress had the command. Upon this I was alarmed, and one of them asked me what was the matter? I said, for God's sake, gentlemen, take care what you say, the honourable congress is not to be spoken of in this manner.

Court. Could you not discover, Mr. Lawrence, where the persons lived who spoke so disrespectfully of the congress.

Lawrence. As I am upon my sacred oath, I believe they live all of them at New York, but they were entire strangers to me.

Court. Proceed, Mr. Lawrence, and inform the court what more passed.

Lawrence. The gentleman at the end of the table, whom I took to be a Scotchman, seemed to cough, and then took a pinch

pitch of snuff; upon this not a word more was spoke till I went out of the room.

Court. Do you know, or did you hear any thing more that passed?

Lawrence. The shrug of the man in the corner raised my suspicions, I seemed to be very busy about my business, but set my housekeeper, *Jemima*, to listen.

Court. Can you depend upon the word of *Jemima*?

Lawrence. Ever since the death of my poor wife, now eleven years, we have lived upon the most intimate footing, and I have no reason to doubt her in a single thing.

Court. Well, Mr. *Lawrence*, what did *Jemima* hear?

Lawrence. She said that one of the men said, that fellow seems to love money, suppose we feel his pulse on this conspiracy: as soon as the word conspiracy was mentioned she was alarmed, and called me in, thinking the negroes were going to rise.

Court.

Court. Where do you mean,—into the room where the five persons were?

Lawrence. No—into the house—I was at the door serving two customers from North Side, with a small dram of rum a-piece. She took me aside and told me there was a plot, or something like it, going forward, and said, she wished those people were out of the house.—I said, I would try them again, and so made an excuse to go into the room for some gingerbread, which is kept in a closet close by; upon this one of the men said to me, Landlord, we shall never have peace in America till somebody serves General Washington as he meant to serve the plover next season.

Court. Did the others hear him say this?

Lawrence. Yes; and seemed to wait for my answer, I told them by way of drawing out of them all I could, (by the holiness of my oath I meant nothing more) I told them, I wished things were as they used to be, but I did not see how any body dared to shoot so great a man as the General; upon this the man with a snuffy face,

face, jumped up and said there was one who could do that easy enough; and then asked me if a good sum of the old New-York currency would not tempt me to be accessary *if I was sure no harm would happen to me?* I asked, where the New York currency was to come from; I was told Mr. Lott had reserved 7000l. which was to be distributed among those who would assist. I said, assist, to do what? they said, to murder General Washington and all the Livingstons. Upon this I said, that his Excellency was like a saint, and the Livingstons, apostles, who opened the eyes of the people in America, and that I should be afraid of being hanged if I was knowingly to hurt a hair of their heads; upon this the Scotchman shrugged up his shoulders, and all were silent. I was desired to step out, but they soon after called me in again, and one of them gave me ten dollars to swear secrecy, which I was then tempted to do, but am now sorry for it.

This was the substance of the evidence given in by Mr. Lawrence.

Mr.

Mr. Mac Kesson then acquainted the committee, that Joseph Finch waited at the door, who was desirous of giving the court very important information. The committee ordered him in accordingly. He said if the congress would secure him from injury or punishment, he would disclose matters of much consequence.

The committee pledged their honour that he should be safe, and promised withal a considerable reward, if he was open and clear in his discovery. Finch said, he was a joiner by profession, and was working at the house of Gerardus Beekman, commonly called Dr. Beekman, who being in a good humour, he was called up stairs, and asked to drink some wine; the doctor called him a damned honest fellow, chucked him under the chin, and asked if he loved his Majesty; he said he would shed the last drop of his blood for him. The doctor treated him with a bottle of what he called his eight-year-old, and then having found him hearty in the cause, carried him to the Serjeant's Arms.

President.

President. What time did this happen ?

Finch. About the 20th of May last.

President. Do you remember any persons that were present ?

Finch. Yes. There was Mr. Henry Foster, James Matthison, Nicholas Antony, Thomas Degrushe, Henry Carman, and many others, whom, if I had time, I could recollect.

President. What was the subject of conversation ?

Finch. They talked much that night against the cruelty of the congress, and the cowardice and insults of the New-England men, and of their hopes the former government would be soon restored.

President. Go on, sir, and tell us what you deem most material.

I was sent some time after with letters to different parts of the country, encouraging them to union, and conveying money for purchasing arms and ammunition.

President. To what places were you sent ?

E

Finch.

Finch. To New Rochel, Poughkeepsy, West Chester, Albany, and many other places.

Court. To what persons were the letters directed?

Finch. I cannot at present mention them particularly, but I have carried some to Thomas Fisher, John Amos, James Savage, Samuel Jenks, and many others, with whom I had many meetings, and much serious conversation, upon public affairs, and brought their answers back.

The committee then thought proper to give Mr. Finch time to recollect himself, and appointed three of their body to meet him the next morning, in order to take his information more fully and deliberately.

James Ming was then called in, and being sworn, deposed.

Ming. I am by trade a shoemaker, and live in Carman-street, being sent for one day to Jacob Duryee, after paying me for some work I had done for the family,
Mr.

Mr. Duryee asked me what I thought of the times. I told him, bad enough. He said he wished there never had been a congress in the world; I told him it might be so. He then talked much to me of the high price of things, and asked me if I did not wish to see the good old times again? I said, yes; on which he gave me a glass of wine, and drank to the King and Parliament, which I did too. He then told me that a number of friends to England, would be glad to see me or any other honest man, on whom they could depend. I told him I would never act unhonourably. He desired me to be hush, and he would propose me to be a member; that it should cost me nothing. I then left him, and went home.

Mr. Curtenius. Did he say nothing to you concerning giving aid to General Howe, or information? Didn't you imagine that was what he meant, when he spoke of the friends to England?

Ming. No, Sir, not at that time, but afterwards; if you please, I'll tell the whole affair as it happened. The next
week

week Mr. Duryee and Mr. Anthony came to me, and after seeing every one out of the shop, told me I was admitted a member of their society. I went with them to the Serjeant's Arms, and was carried into a room joining to the room where the society met.

Mr. Byvanck. Was no oath tendered to you ?

Ming. None but an association paper or bond.

Mr. M'Dougal. Was it this ? (Clerk hands him the association found among Mr. Forbes' papers.)

Ming. Yes, to the best of my knowledge and remembrance, the very same.

Court. What persons were at the meeting ? Do you remember the tenor of the conversation ?

Ming. It was something very violent against the congress, and about restoring the old government.

Court. Do you recollect any thing that was said about the distributing arms, giving information of the proceedings in
our

our camp, or of betraying General Washington?

Ming. I can't say any thing to that. I heard no particulars.

William Cooper, soldier, sworn.

Court. Inform us what conversation you heard at the Serjeant's Arms?

Cooper. Being there the 21st of May, I heard John Clayford inform the company, that Mary Gibbons was thoroughly in their interest, and that the whole would be safe. I learnt from enquiry that Mary Gibbons was a girl from New Jersey, of whom General Washington was very fond, that he maintained her genteelly at a house near Mr. Skinner's, at the North River; that he came there very often late at night in disguise; he learnt also that this woman was very intimate with Clayford, and made him presents, and told him of what General Washington said.

Court. Did you hear Mr. Clayford say any thing himself that night?

Cooper.

Cooper. Yes; that he was the day before with Judith, so he called her, and that she told him, Washington had often said he wished his hands were clear of the dirty New-Englanders, and words to that effect.

Court. Did you hear no mention made of any scheme to betray, or seize him?

Cooper. Mr. Clayford said he could easily be seized and put on board a boat, and carried off, as his female friend had promised she would assist: but all present thought it would be hazardous,

William Savage, sworn.

Court. Was you at the Serjeant's Arms on the 21st of May? Did you hear any thing of this nature?

Savage. I did, and nearly as the last evidence has declared; the society in general refused to be concerned in it, and thought it a mad scheme.

Mr. Abeel. Pray, Mr. Savage, have not you heard nothing of an information that was to be given to Governor Tryon?

Savage.

Savage. Yes; papers and letters were at different times shewn to the society, which were taken out of General Washington's pockets by Mrs. Gibbons, and given (as she pretended some occasion of going out) to Mr. Clayford, who always copied them, and they were put into his pockets again.

Court. What was done with these papers?

Savage. They were read at the table, copied, and sent off.

Court. Where were they sent? and by what conveyance?

Savage. They were given to Mr. Matthews, who sent them on board the *Duchess of Gordon*.

Court. Had they no other accounts but those communicated by Mrs. Gibbons?

Savage. Yes; many other papers and letters were read, and I was told they had information by an officer, a gentleman of high rank and distinction, near General Washington, and in his confidence.

Court. Could you find out who he was?

Answer. No.

Court.

Court. By whom was his intelligence communicated?

Savage. By Mr. Vanderbergh.

Court. You cannot give any reason to suspect what officer it was?

Savage. No; I could not learn who it was; but was often told that he was a gentleman in whom General Washington placed great confidence, and relied much upon.

The Court ordered him to withdraw, and the room to be cleared.

Mr. Livingston. In my opinion, gentlemen, we had better defer examining any more witnesses till we can consult General Washington, and some other officers, upon what has appeared.

Mr. Scott. I think we have no time for delay, we may run through an examination of the witnesses, as this court is an independent one, for the good of the public, and no time should be lost in coming at the bottom of this horrid affair.

Court. It would be but justice to the General, as he is some way affected by the
last

last witnesses to apprize him of it, and consult with him, in the mean time the other suspected persons should be seized as speedily as possible.

The court accordingly adjourned till the 26th.

During this interval the committee had many conferences on the subject with General Washington, and many other officers. They had also private examinations of the prisoners. Orders were issued to seize the persons of John Wiley, Norman Ptolomy, Totten and Crossfield; and information being given that a number of the conspirators were concealed at and near Jamaica, Long Island, a party of horse were ordered to take them, under the command of Capt. Willett. When they reached Jamaica, they found the conspirators, to the number of eighteen, had retired to a wood on the top of a hill, determined to defend themselves. Captain Willett got a small reinforcement, and then surrounded the eminence where they were posted; a brisk fire ensued as our people approached,

proached, and they obstinately continued to resist, till having lost one man, and others being dangerously wounded and disabled, they thought proper to surrender, and were brought prisoners to New York.

June 29. The congress taking into serious consideration the number of disaffected persons in the province, and the danger of keeping them in the city, thought fit to send two hundred of them into Connecticut, to be kept in the different prisons till they could be brought conveniently to trial.

It having appeared from strong evidence and many circumstances, that David Matthews, Esq. Mayor of the City, was an aider and abetter of the conspiracy, and also the principal manager of an illegal correspondence, he was seized by order of the provincial congress, and committed to the New Goal; on the 3d of July, the committee again met, and ordered James Clayford to be brought before them,

The

The prisoner being at the bar and sworn,

Mr. Mott told him, by order of this committee, I inform you that we have the clearest evidence of your having been treacherously concerned, in obtaining information and papers, relating to public affairs, which you delivered to certain persons to be conveyed to the enemy; that in privacy and covenant with Mary Gibbons, you feloniously and secretly copied writings of the commander in chief, which were afterwards sent to be communicated to the foes of America; that you in your heart conceived and proposed a plan to seize on the person of General Washington, and carry him off as a prisoner to the mercenary army. What have you to answer to these charges, or to say why you should not be made an example of?

Prisoner. I labour under every disadvantage, having no one to speak for me, and not being tried by a jury, but I have confidence in the humanity of this

court

~~court~~ Do not be severe with me, gentlemen, nor shed the blood of an innocent man. I beg that I may hear the evidences against me examined before my face.

Mr. Mulligen. You do not deserve such a favour, we are well satisfied of your guilt, and that you ought long ago to have suffered your deserts.

Mr. Abeel. I think it will not take much time to re-examine the witnesses, not that I have any doubt of his guilt, but to give him no cause of complaint at our proceedings.

The committee agreed to it, and James Myer, Thomas Lefferts, and Peter Goff were sworn. They deposed what has been before related, that the prisoner often attended the meeting of the conspirators, at the Serjeant's Arms, and that he used frequently to boast of his amours with Mrs. Gibbons; that he proposed with this woman's assistance to seize General Washington's person, and carry him off; that he frequently brought papers and letters

letters of the General's to the society, which were copied and sent away.

Prisoner. Remember, Mr. Goff, you are upon oath, and that my life depends on it. As to my connection with Mrs. Gibbons I do not deny it; but never was concerned in any conspiracy. You must know, Mr. Goff, that I only said at the society, that such a thing as seizing General Washington might be done, but I never agreed to or thought of doing it, nor did any person present propose or advise it.

Goff. Yes; you often proposed it, and offered your service, and said Mrs. Gibbons would assist, and they applauded it, and drank your health.

Mr. Byank. Have you nothing farther to say in your defence?

Prisoner. I have been treated cruelly, tried without judge or jury; it's nothing but a scheme to punish the innocent, and get clear of honest people.

Court. It is our opinion that you are guilty, and you are to be re-manded to the goal from whence you came,
and

and we recommend to you to prepare for that death you deserve, and to which you are condemned by the authority of your country.

The prisoner was then very abusive, calling the court tyrants and murderers, but the guard hurried him away.

July 6. The congress received an account from Albany, that a body of Tories were detected in a design of firing the town, and blowing up the magazines, and that some of the principal persons in the country were concerned in it. It appears that they have a correspondence through the whole province and neighbouring colonies, and proposed to rise and make themselves masters of the fortresses, and disarm their enemies. Many of them were seized in Albany, but they would make no confession, and were thrown into goal. Scouts and parties were sent out in every county to watch and secure the insurgents, about ninety have been taken in Albany and its neighbourhood. It appeared that a body of fifty Tories rose at Poughkeepsy, and attempted

attempted to disarm our friends, but after an obstinate engagement, in which five of them were killed, the rest were taken prisoners, and sent to Ridgefield. The congress taking these things into mature deliberation, resolved that some examples should be made, and accordingly ordered that James Clayford under condemnation, should be speedily executed.

July 7. The committee met, and ordered David Matthews, late Mayor of the city to be brought before them.

Mr. Matthews being brought in, cast a look of contempt on the court, and affected to treat it with derision.

President. We sit here by the authority of the people to enquire into a most horrid conspiracy, with powers to acquit or punish, as evidence shall appear. You are charged, Sir, with being a principal adviser and abettor of schemes against your country; we have evidence of your having attended an unlawful meeting, associated for the purpose of overturning the present constitution, and introducing the old tyranny. It appears that you
have

have kept up a correspondence with men adjudged enemies to this country, and have distributed money in order to procure intelligence for them. If you have any thing to say, we are ready to hear it.

Prisoner. This is a new mode of trial to hurry a man to prison without letting him know his crime, to seize his papers and put armed men into his house, and then examine him in a private manner, without a jury of his peers, or giving him any information of his accusers, or allowing him to prepare for his defence, I scorn your mercy, and am ready to suffer for my King and country.—If I am to undergo the formality of a trial, let it be in the accustomed manner, by a jury.

Mr. Mac Dougal. Sir, we are ready to do you all the justice you can ask; but we expect not to be bullied and cavaliered in this manner. We have told you the authority by which we act, and if you chuse to examine any witnesses, or make a defence we are ready to hear it.

Prisoner,

Prisoner. I am sensible all defended will be vain with men thirsting after blood. How many fathers have you already torn from their families and thrown into prison, only for difference of sentiment? If my principles are my crime, I never made a secret of being a friend to the King and constitution. You know yourselves that the conspiracy you talk of is a mere pretence to punish. The people you have thrown into prison were guilty of no other misdeeds than meeting in a social manner, and expressing their wishes for the restoration of the old constitution; they could not hurt you, when you are surrounded with so formidable an army in your service: they never were mad enough to attempt so wild a project. All they have done is to declare their opinions freely, during the openness of sociability and wine. I am sensible of no other proceedings of the society, and am privy to no scheme of so mad and improbable a nature. You must, therefore use your pleasure, for I cannot in my conscience

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admit

admit of any authority in this body, to try and confine, or punish any subject of England.

Court. Call in the evidences; if Mr. Matthews doee chuse to ask them any questions, the court will hear them again and give him a full opportunity. James Myers, Stephen Prince, Thomas Lefferts, and Peter Goff, were sworn—They deposed that they had often seen the prisoner very active at the meeting of the conspirators; that the papers given to the society by Clayford, were put into his hands to be communicated to the enemy. That he often distributed money among the members, and encouraged them in their opposition to the congress: that they heard him on the 20th of May say, that the day was not far distant when the bodies of the congress would be food for crows, that he often called the congress tyrants, and exhorted the members to union, patience, and fidelity.

Prisoner. I would not be understood to acknowledge the authority of this committee,

mittee, but I must not even here, for I would no where else, suffer an act of charity to be perverted. I attended these meetings, I do not deny, out of affection to the constitution, but never had any notion so absurd as a conspiracy, to be managed and conducted at a tavern, in the hearing of waiters and promiscuous company: the money I distributed was only out of benevolence, and in pity for the distress of many of the members, who are honest men ruined by the times. I hope the congress will not call this treason, I hope they will not call it treason for us to meet and consult together for the support of our families, this is all the treason we have meant, to assist each other, to contribute and comfort those friends to government who were in want — (Here the court interrupted him,

Court. If you have nothing more worthy of our attention to offer but such abuse and bare-faced fallacies, we must order you back to the place from whence you came.

came. We are convinced of your guilt, and recommend you to make a confession and repent of your crimes. Your confession may entitle you not only to mercy, but if you discover sincerity in your reformation, a person of your station and influence, may expect every favour from your country.

Prisoner. I can receive no favour on any such dishonourable conditions. I avow my principles, and shall never swerve from them: but I would entreat you to have some pity (not on me) but on the numberless helpless families that you expose to ruin, by carrying away their innocent fathers, husbands, and brothers. I only ask you for myself to give me an interview with General Washington, from him I may expect the treatment of a gentleman.

Court. You have been used with justice and civility. If you have nothing further to say, let the guards convey him into safe custody, and give him every thing convenient,

July

July 8th The provincial congress having received the report of the committee, came to a resolution that David Matthews, late mayor of the city, having been fully convicted, and proved guilty of treasonable practices, tending to the subversion of our present happy government, deserves no longer to live, and is therefore sentenced to suffer death as a common malefactor, on the 25th day of August next.

August 1. The congress in full meeting resolved to postpone the execution of the sentence passed on David Matthews, Esq. *sine die*, and ordered him to be carried into Connecticut, there to be kept imprisoned 'till further orders.

The trial of the other prisoners was also deferred, and strict commands given to detect, and pursue such as were still concealed, that they might be preserved in safe custody till the times would render it convenient to bring them to trial,

F I N I S.

